

LEGAL SERVICES

1.0 SERVICE DEFINITION

- 1.1 Legal advice, negotiation, consultation, representation and drafting and processing legal documents on potential non-criminal legal issues and problems.

2.0 SERVICE UNIT

- 2.1 One hour of legal advice, negotiation, consultation or representation including the drafting of legal documents.

3.0 SERVICE GOAL

- 3.1 To provide access to the legal system for the persons sixty (60) years of age or older.

4.0 SERVICE AREA

- 4.1 Legal services are available to all eligible residents of the State of Delaware.
- 4.2 Providers of legal services are permitted to apply for sub-areas of service within the state.

5.0 ELIGIBILITY

- 5.1 Services are available to all Delaware residents who are 60 years of age and over
- 5.2 Priority
 - 5.2.1 Priority will be given to those clients who:
 - 5.2.1.1 Low-income/low-income minorities
 - 5.2.1.2 Older individuals with limited English proficiency
 - 5.2.1.3 Older individuals living in rural areas.
 - 5.2.2 For the provision of Legal Services to the elderly, the nature of the legal need or case is also a factor in determining the client priority as addressed in the Service Specifications.
 - 5.2.2.1 The following cases shall be considered a priority:
 - Public benefits
 - Health
 - Housing
 - Utility
 - Guardianship and competency actions
 - Financial
 - Safety

6.0 SERVICE STANDARDS

6.1 In order to provide the most efficient and comprehensive services to clients, staff of the Legal Services to the Elderly program shall be responsible for the following:

- 6.1.1 Services must be provided by an attorney or a paralegal under the supervision of an attorney who has the ability to relate to older individuals and their legal issues
- 6.1.2 At a minimum, there shall be one full-time attorney who is a member of the Delaware Bar Association staffing the project
- 6.1.3 Service must be provided and administered according to the provisions of the Delaware Lawyers Code of Ethics
- 6.1.4 Services must be in compliance with all federal, state, and local laws, rules, regulations, and policies
- 6.1.5 Services shall be provided in an office which is as free from architectural and psychological barriers as possible, and which provides adequate space and privacy
- 6.1.6 Legal services may also be provided in community/senior centers, and in any other location (such as nursing homes, hospitals, or private residences) which the client's situation shall render necessary or practical
- 6.1.7 In view of the confidential nature of the services, care should be taken in delivery of services outside the office. Delivery should take place in as private an area as possible.
- 6.1.8 The provider must conduct Public Relations and outreach to ensure that eligible clients are aware of services and have access to them.
- 6.1.9 Where appropriate, the provider must conduct legal, educational or training programs for eligible clients, or for providers of services to eligible clients.

6.2 Allowable Services

- 6.2.1 Assess the validity of the client's case, the strength of the evidence and possible approaches to its resolution
- 6.2.2 Present the assessment to the client in clear, understandable, and simple language to provide a basis for an informed decision.
- 6.2.3 Advise the client of any steps he/she should take to further his/her case, at all stages of representation
- 6.2.4 Identify additional information needed, whether the client has the information and a signed consent form to gather information on behalf of the client
- 6.2.5 Conduct investigations and legal research necessary to prepare the client's case
- 6.2.6 Process documents for the client
- 6.2.7 Initiate legal actions on behalf of the client
- 6.2.8 Initiate administrative decision appeals on behalf of the client
- 6.2.9 Negotiate on behalf of the client

- 6.2.10 Represent the client in courts, taking all necessary actions and drafting all necessary pleadings
- 6.2.11 Represent the client in administrative hearings
- 6.2.12 Review case outcomes to determine whether appeals are appropriate
- 6.2.13 Review the case with the client to ensure he/she understands the outcome and its implications
- 6.2.14 Coordinate with the Office of Long-Term Care Ombudsman regarding referral procedures, training of the staff of the Ombudsman program and service delivery as appropriate
- 6.2.15 Work-with the private bar to provide them with the necessary training and technical assistance to develop programs which provide legal services to the elderly.

6.3 Prohibited services

- 6.3.1 Providing legal services to a person under sixty (60) years of age
- 6.3.2 Providing legal advice and representation in criminal proceedings

7.0 WAITING LISTS

- 7.1 When the demand for a service exceeds the ability to provide the service, a waiting list is required. Applicants will be placed on the waiting list until services can be provided, or until services are no longer desired by the applicant. The waiting list must be managed in accordance with DSAAPD policy X-K, Client Waiting Lists.
- 7.2 In each case, the reason for the selection of an individual ahead of others on the waiting list must be documented (e.g. in writing and available for review).

8.0 INVOICING REQUIREMENTS

- 8.1 The providers shall invoice DSAAPD pursuant to the DSAAPD Policy Manual for Contracts, Policy X-Q, Invoicing.
- 8.2 The following information will also be included in the invoice:
 - 8.2.1 Number of Units served by type
 - 8.2.2 Total number of Units served
 - 8.2.3 Total DSAAPD funds expended.

9.0 DONATIONS

- 9.1 Clients, family members, and/or caregivers must be informed of the cost of providing services and must be offered the opportunity to make voluntary contributions to help defray the cost, thereby making additional services available to others.
- 9.2 Providers must:
 - 9.2.1 Inform applicants, family members and/or caregivers of the cost of providing services and offer them the opportunity to make voluntary contributions.

- 9.2.2 Protect their privacy with respect to his/her contribution
- 9.2.3 Safeguard and account for all donations
- 9.2.4 Use the contributions to expand services

TITLE III-B LEGAL SERVICES TO THE ELDERLY
PLANNED SERVICE UNITS AND PROPOSED OBJECTIVES

GRANTEE / AGENCY NAME: _____

PROGRAM NAME: _____

PLANNED SERVICE UNITS	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
Number of hours of legal service provided eligible client					
Unduplicated clients to be served					
Educational presentations					
Training sessions provided to private bar					
Number of Volunteer Hours of Legal Services					

NOTE: The above projections (goals) are compared with actual statistics on the Service Objectives Status Form, which is Page 2 of the Quarterly Program Performance Report. Additional details on client services are also provided on pages 2, 3 and 4 of the report.